

Message

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**From:** Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]  
**Sent:** 4/8/2020 3:31:59 PM  
**To:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Subject:** RE: OGC responses to my inquiries about status of documents to and from FDEP

Sure. I do have a call at noon

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Sent:** Wednesday, April 08, 2020 11:29 AM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Cc:** McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Subject:** RE: OGC responses to my inquiries about status of documents to and from FDEP

Online with ASWM webinar, they are talking about the 404(g) project – maybe after?

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**From:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Sent:** Wednesday, April 08, 2020 11:22 AM  
**To:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Cc:** McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Subject:** RE: OGC responses to my inquiries about status of documents to and from FDEP

Let me know if you want to chat today

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Sent:** Tuesday, April 07, 2020 3:44 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Cc:** McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>  
**Subject:** RE: OGC responses to my inquiries about status of documents to and from FDEP

I think I'll need to talk this through with someone before crafting a note as there is a lot on this call and we are only ½ through. John wanted us to loop back by end of the week with note for Dave, but I think there is way more that John needs to know at this point e.g., :

- they are extending public comment period and will hold another hearing.
- Comments being raised during FDEP public webinars on the rules include:
  - o 300 foot administrative line is arbitrary (Ex. 5 AC/DP)
  - o Ex. 5 AC/DP
  - o Folks want double permitting process as that is a check and balance
  - o If consulting under ESA, need to consult under NHPA and NEPA – can't pick and choose which laws you follow; Even if we say we did ESA voluntarily, tribes will want us to do so under NHPA too, even if it is voluntary.....
  - o Staffing – if no additional resources then ..... FDEP shut these down saying that is question for during EPA hearings on the potential approval

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**From:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

**Sent:** Tuesday, April 07, 2020 3:16 PM

**To:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Cc:** McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Chemerys, Ruth <[Chemerys.Ruth@epa.gov](mailto:Chemerys.Ruth@epa.gov)>

**Subject:** Re: OGC responses to my inquiries about status of documents to and from FDEP

Do you want to talk after your call or draft a note to John?

Sent from my iPhone

On Apr 7, 2020, at 2:00 PM, Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)> wrote:

Hi,

## Ex. 5 Deliberative Process (DP)

I will be on call with FDEP from 3-4:30 where we will ask further questions about their descriptions, definitions and flowchart so we can provide feedback – without directing them. I know that seems the opposite of all my questions below, but that is where we are until we have leadership input.

We should loop back with John on this somehow. - Kathy

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**From:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Sent:** Tuesday, April 07, 2020 12:12 PM

**To:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Subject:** RE: question for you both if you have 15 min before or after FDEP call

Responses in red below.

Alexis Wade  
Attorney-Adviser  
Water Law Office

EPA Office of General Counsel  
(202) 564-3273

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**From:** Hurl, Kathy <[Hurl.Kathy@epa.gov](mailto:Hurl.Kathy@epa.gov)>

**Sent:** Tuesday, April 07, 2020 11:22 AM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Subject:** question for you both if you have 15 min before or after FDEP call

Attorney client privilege

# Ex. 5 Attorney Client (AC)

- Thanks, Kathy

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**From:** McGill, Thomas <[McGill.Thomas@epa.gov](mailto:McGill.Thomas@epa.gov)>

**Sent:** Friday, April 03, 2020 2:58 PM

**To:** Hurl, Kathy <[Hurl.Kathy@epa.gov](mailto:Hurl.Kathy@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thanks Kathy. I have a follow-up question and a comment.

# Ex. 5 Deliberative Process (DP)

I'm available this afternoon if you want to discuss or you have any questions.

Tom

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>

**Sent:** Friday, April 3, 2020 12:13 PM

**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Internal and deliberative

So, based upon discussion this morning I am trying to provide two things in this email: **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

**From:** McGill, Thomas <McGill.Thomas@epa.gov>

**Sent:** Friday, April 03, 2020 8:34 AM

**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Good morning everyone,

**Ex. 5 Deliberative Process (DP)**  
**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)** Kelly and I will be discussing the specific next steps at 10:45am this morning, and if any of you are working and wish to join the discussion please let us know.

**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>

**Sent:** Thursday, April 2, 2020 4:30 PM

**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Fine with me.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** McGill, Thomas <McGill.Thomas@epa.gov>  
**Sent:** Thursday, April 2, 2020 4:30 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Similar to Rosemary, I had a very hard time figuring-out which comments have been addressed. Would everyone be OK with replacing the marked-up version with a clean version without comments? People could then add a comment or suggested mark-up if they believe any issues are outstanding.

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Thursday, April 2, 2020 3:59 PM  
**To:** Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thanks all

**Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

I've not had a chance to talk to John, Mindy made him aware of the issue. - Kathy

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**From:** Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Sent:** Thursday, April 02, 2020 3:50 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Hi, Kathy – In the interest of getting to the briefing with an issue paper, we just accepted all of the changes everyone made by that point. There are a lot of comments and it's hard to track whether they were addressed with the edits, but we'll definitely let Jeananne know this is an ongoing conversation with differing perspectives. We'll characterize the paper as draft so she knows it isn't ready to send on today, and continue the conversation to flesh this out more fully.

~ Rosemary

Rosemary (Hall) Calli  
Section Chief, Wetlands & Streams Regulatory Section  
Aquatic Ecotoxicologist

U.S. Environmental Protection Agency, Region IV

404.562.9846

[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)

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**From:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Sent:** Thursday, April 2, 2020 3:30 PM

**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

# Ex. 5 Deliberative Process (DP)

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**From:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>

**Sent:** Thursday, April 02, 2020 3:07 PM

**To:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thanks everyone for the quick turnaround on this!

I've attached the version we will be presenting to Jeaneanne this afternoon but I realize this document may continue to evolve as we run things up the chain.

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

---

**From:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>

**Sent:** Thursday, April 2, 2020 1:21 PM

**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>

**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

I am done. Going to keep the doc open and folks can let me know if they have questions or need anything else from me.

Alexis Wade

Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Thursday, April 02, 2020 1:19 PM  
**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

I've finished my edits. Alexis has entered the paragraph she was going to tackle, so she may be done, too, though defer to her.

I will be offline for the next hour, FYI, back before 2:30.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>  
**Sent:** Thursday, April 2, 2020 11:57 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Thanks so much Simma. If we could shoot for 2:00pm to finish edits I think that would give me time to incorporate everything and leave the Regional folks time to discuss before our briefing.

Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303  
phone 404 562 9132

---

**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Thursday, April 2, 2020 11:51 AM  
**To:** Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**



Thanks. I'm making a few more clarifying edits, in addition to adding some legal background (as is Alexis) though let me know if/when you want pens down to incorporate and accept all comments.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Nagrani, Kavita <Nagrani.Kavita@epa.gov>  
**Sent:** Thursday, April 2, 2020 10:15 AM  
**To:** Wade, Alexis <Wade.Alexis@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

Hi Alexis,

Right now, it's scheduled for 430 pm. Thanks!

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**From:** Wade, Alexis <Wade.Alexis@epa.gov>  
**Sent:** Thursday, April 2, 2020 10:05 AM  
**To:** McGill, Thomas <Mcgill.Thomas@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

What time is your meeting today?

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

---

**From:** McGill, Thomas <Mcgill.Thomas@epa.gov>  
**Sent:** Thursday, April 02, 2020 10:02 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurl, Kathy <Hurl.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

As it seems we do not have consensus I agree that it will need to be discussed above our level. In the meantime, I suggest: **Ex. 5 Deliberative Process (DP)**

---

**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Thursday, April 2, 2020 9:24 AM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

If it turns out there is a disagreement between the Region and OW, Jeaneanne could always talk to John about it – just a thought. Still putting together the legal language; I apologize for the delay.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Thursday, April 2, 2020 9:19 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) Hope to have something more soon

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Thursday, April 02, 2020 8:28 AM  
**To:** Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** RE: **Ex. 5 Deliberative Process (DP)**

I apologize; I had hoped to work on it yesterday and was distracted by another issue. I am going to try to find something in the next hour or so to add.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Laycock, Kelly <Laycock.Kelly@epa.gov>  
**Sent:** Thursday, April 2, 2020 6:48 AM  
**To:** McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>  
**Subject:** **Ex. 5 Deliberative Process (DP)**

Just wanted to reach out to see if anyone was able to find any information to bolster either option 1 or 2 of our issue paper? I was hoping to update the paper with any new information before we brief our Division Director this afternoon.

Thanks,

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